

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HIRAM EVANS,

Defendant.

**CR-11-83-GF-BMM**

**ORDER**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on May 15, 2020. (Doc. 92.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 14, 2020. (Doc. 91.) The United States accused Evans of violating his conditions of supervised release 1) by consuming alcohol on three separate occasions; 2) by submitting a diluted urine sample; 3) by failing to report for sex offender treatment on two separate occasions; 4) by using methamphetamine on two separate occasions; and 5) by failing to report for substance abuse treatment on two separate occasions (Doc. 88.)

At the revocation hearing, Evans admitted that he had violated a condition of his supervised release 1) by consuming alcohol on three separate occasions; 2) by submitting a diluted urine sample; 3) by failing to report for sex offender treatment on two separate occasions; 4) by using methamphetamine on two separate occasions; and 5) by failing to report for substance abuse treatment on two separate occasions. (Doc. 91.) Judge Johnston found that Evans' violations warranted revocation, and recommended that Evans should receive a custodial sentence until May 18, 2020, with 35 months of supervised release to follow with the first 60 days of supervised release at Connections Corrections in Warm Springs, Montana. The sentence imposed should run concurrent with the sentence imposed in Cause CR 12-93-GF-BMM. (Doc. 92 at 4.)

The violations prove serious and warrant revocation of Evans' supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 92) are **ADOPTED IN FULL**.

**IT IS FURTHER ORDERED** that Defendant Hiram Evans be incarcerated until May 18, 2020, with 35 months of supervised release to follow with the first 60 days of supervised release at Connections Corrections in Warm Springs, Montana. This sentence imposed should run concurrent with the sentence imposed in Cause CR 12-93-GF-BMM

DATED this 15th day of May, 2020.

A handwritten signature in blue ink, reading "Brian Morris".

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Brian Morris, Chief District Judge  
United States District Court

